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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/920,208 | 08/01/2001 | Marc E. Fusco | 020366-079300US | 5749 |
| 20350 | 7590 | 08/28/2006 | EXAMINER | |
| TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834 | | | HAROLD, JEFFEREY F | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2614 | |

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 09/920,208 | | FUSCO, MARC E. | |
| | Examiner | | Art Unit | |
| | Jefferey F. Harold | | 2614 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11-13,15,16 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-13,15,16 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 16 and 19** are rejected under 35 U.S.C. 102(e) as being anticipated by Speeney et al. (United States Patent 6,570,983), hereinafter referenced as Speeney.

Regarding **claim 16**, Speeney discloses an alert subsystem geographically remote from a terminal location for announcing phone calls with a pre-recorded voice announcement, the subsystem comprising: an announcement storage database storing the pre-recorded voice announcement; a recorder to record the pre-recorded voice announcement; a caller ID function that detects an identifier associated with an incoming phone call; a correlator that associates the identifier with the pre-recorded voice announcement; and a PSTN interface that transmits the pre-recorded voice announcement to the terminal location after the pre-recorded voice announcement is correlated to the identifier, as disclosed at column 2, line 64 through column 7, line 37 and exhibited in figures 1-3.

Regarding **claim 19**, it is interpreted and thus rejected for the reasons set forth above in the rejection of claim 16.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. ***Claims 1, 3-5 and 8*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck et al. (United States Patent 6,728,354), hereinafter referenced as Fleck, in view of Speeney et al. (United States Patent 6,570,983), hereinafter referenced as Speeney.

Regarding **claim 1**, Fleck discloses methods and devices for outputting audio announcements using CID related parameters. In addition, Fleck discloses a method for alerting a user at a terminal location of an incoming phone call, the method comprising steps of: receiving a criterion manually entered by the user before the incoming phone call is placed; receiving notification of the incoming phone call with an identifier associated with the incoming phone call; detecting the identifier associated with the incoming phone call; correlating, at the terminal location, the identifier with the pre-recorded voice announcement using the criterion; and playing the pre-recorded voice announcement at the terminal location, as disclosed at column 4, line 31 through column 5, line 9, as exhibited in figures 1 and 2, however, Fleck fails to disclose receiving the pre-recorded voice announcement from a point geographically separate from the terminal location. However, the examiner maintains that it was well known in

the art to provide receiving the pre-recorded voice announcement from a point geographically separate from the terminal location, as taught by Speeney.

In a similar field of endeavor Speeney discloses a method and system for audibly announcing an indication of an identity of a sender of a communication. In addition, Speeney discloses receiving the pre-recorded voice announcement from a point geographically separate from the terminal location, as disclosed a column 2, line 63 through column 3, line 38; column 7, line 37 through column 8, line 48 and exhibited in figures 1-4.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fleck by specifically providing receiving the pre-recorded voice announcement from a point geographically separate from the terminal location, as taught by Speeney, for the purpose of ease of ring customization using a web interface.

Regarding **claim 3**, Fleck and Speeney, the combination, discloses everything claimed as applied above (see claim 1), in addition, Fleck discloses wherein the step of correlating the identifier comprises the following step correlating a phone number with a pre-recorded voice announcement; correlating a portion of the phone number with a pre-recorded voice announcement; and correlating a caller ID name with a prerecorded voice announcement, as disclosed at column 4, line 31 through column 5, line 9, as exhibited in figures 1 and 2.

Regarding **claim 4**, Fleck and Speeney, the combination, discloses everything claimed as applied above (see claim 1), in addition, Fleck discloses recording the pre-

recorded voice announcement, as disclosed at column 6, line 20-59 and exhibited in figure 3.

Regarding **claim 5**, Fleck and Speeney, the combination, discloses everything claimed as applied above (see claim 4), in addition, Fleck discloses a step of storing the pre-recorded voice announcement with consumer phone equipment, as disclosed at column 6, line 20-59 and exhibited in figure 3.

Regarding **claim 8**, Fleck and Speeney, the combination, discloses everything claimed as applied above (see claim 1), in addition, Fleck discloses a computer readable medium having computer executable instructions for alerting the user of the incoming phone call, as disclosed at column 6, line 20-59 and exhibited in figure 3.

3. **Claims 6 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck in view of Speeney and further in view of Kredo.

Regarding **claim 6**, Fleck and Speeney, the combination, discloses everything claimed as applied above (see claim 1), however, Fleck fails to disclose a step of interrupting a phone call to play the pre-recorded voice announcement. However, the examiner maintains that it was well known in the art to provide a step of interrupting a phone call to play the pre-recorded voice announcement, as taught by Kredo

In addition, Kredo discloses a step of interrupting a phone call to play the pre-recorded voice announcement, as disclosed at column 3, line 50 through column 4, line 49 and exhibited in figures 1 and 2.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fleck by specifically providing a step of interrupting a phone call to play the pre-recorded voice announcement, as taught by Kredo, for the purpose of ease of ring customization using a web interface and providing CID information to a visually impaired user.

Regarding **claim 7**, Fleck and Speeney, the combination, discloses everything claimed as applied above (see claim 1), however, Fleck fails to disclose a step of playing the pre-recorded voice announcement with an earpiece. However, the examiner maintains that it was well known in the art to provide a step of playing the pre-recorded voice announcement with an earpiece, as taught by Kredo

In addition, Kredo discloses a step of playing the pre-recorded voice announcement with an earpiece, as disclosed at column 3, line 50 through column 4, line 49 and exhibited in figures 1 and 2.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fleck by specifically providing a step of playing the pre-recorded voice announcement with an earpiece, as taught by Kredo, for the purpose of providing CID information to a visually impaired user.

4. **Claims 9-13, 15, 16, 19 and 20**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck in view of Speeney and further in view of Chen (United States Patent Application Publication 2002/0094076).

Regarding **claim 9**, Fleck and Speeney, the combination discloses a method for alerting a user of telephone equipment of an incoming phone call, the method comprising steps of: recording a voice announcement to create a pre-recorded voice announcement; receiving a selection that helps correlate the pre-recorded voice announcement to an identifier, wherein the selection is manually entered by the user prior to the incoming phone call; receiving notification of the incoming phone call that indicates the identifier associated with the incoming phone call; detecting the identifier associated with the incoming phone call; correlating the identifier with the pre-recorded voice announcement using the selection; and playing the pre-recorded voice announcement, however, the combination fails to disclose 1) playing with a speaker separate from an earpiece, wherein the pre-recorded voice announcement is played when the telephone equipment is not engaged in an ongoing phone call, 2) wherein the recording occurs at a point geographically separate from the terminal location, and 3) receiving the pre-recorded voice announcement from a point geographically separate from the terminal location. However, the examiner maintains that it was well known in the art to 1) playing with a speaker separate from an earpiece, wherein the pre-recorded voice announcement is played when the telephone equipment is not engaged in an ongoing phone call, 2) wherein the recording occurs at a point geographically separate from the terminal location, and 3) receiving the pre-recorded voice announcement from a point geographically separate from the terminal location, as taught by Chen and Speeney respectively.

Regarding playing with a speaker separate from an earpiece, wherein the pre-recorded voice announcement is played when the telephone equipment is not engaged in an ongoing phone call, in a similar field of endeavor Chen discloses telephone caller identification. In addition, Chen discloses playing with a speaker separate from an earpiece, wherein the pre-recorded voice announcement is played when the telephone equipment is not engaged in an ongoing phone call, as disclosed at paragraphs [0022] through [0025], [0075] and exhibited in figures 1 and 2.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination by specifically providing playing with a speaker separate from an earpiece, wherein the pre-recorded voice announcement is played when the telephone equipment is not engaged in an ongoing phone call, as taught by Chen, for the purpose of allowing the user to screen telephone calls without being in close proximity of the telephone unit itself.

Regarding wherein the recording occurs at a point geographically separate from the terminal location, Speeney discloses wherein the recording occurs at a point geographically separate from the terminal location, as disclosed at column 4, line 61 through column 7, line 38 and exhibited in figure 3.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination by specifically providing wherein the recording occurs at a point geographically separate from the terminal location, as taught by Speeney, for the purpose of allowing the user to identify the contacting party without using visual indicators.

Regarding receiving the pre-recorded voice announcement from a point geographically separate from the terminal location, Speeney discloses receiving the pre-recorded voice announcement from a point geographically separate from the terminal location, as disclosed a column 2, line 63 through column 3, line 38; column 7, line 37 through column 8, line 48 and exhibited in figures 1-4.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fleck by specifically providing receiving the pre-recorded voice announcement from a point geographically separate from the terminal location, as taught by Speeney, for the purpose of ease of ring customization using a web interface.

Regarding **claims 11-13, and 15** they are interpreted and thus rejected for the reasons set forth above in the rejections of claims 1, 3-5, 8 and 9.

Response to Arguments

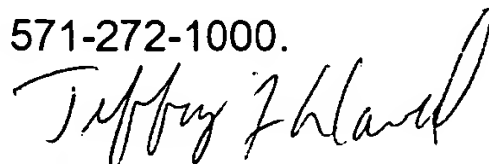
Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is 571-272-7519. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jefferey F Harold
Primary Examiner
Art Unit 2614

JFH
August 21, 2006